

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE HOUSEHOLDER GROUP LLLP, an
Arizona Limited Liability Limited Partnership,

Plaintiff,

v.

RANDY S. FUSS, an individual,

Defendant.

Case No.: C07-0573 SI

**JOINT CASE MANAGEMENT
STATEMENT, STIPULATION AND
REQUEST FOR CONTINUANCE OF
CASE MANAGEMENT CONFERENCE;
PROPOSED ORDER**

Case Management Conference:

Date: July 13, 2007

Time: 2:00 P.M.

Dept: Courtroom 10

Plaintiff THE HOUSEHOLDER GROUP LLLP ("Plaintiff") and Defendant RANDY FUSS
("Defendant") hereby jointly submit the following Case Management Statement and request a continuance of
the Case Management Conference for GOOD CAUSE showing as follows:

1. The Court originally continued the initial case management conference to 2:00 p.m. on June 30,
2007 on a sua sponte basis.
2. Former counsel for Defendant, Rick Augustini, advised the parties and the Court that he would be
out of the country on a family vacation from June 23, 2007 to July 2, 2007;

3. On May 10, 2007, pursuant to stipulation of the parties, the Court granted a request that the Case Management Conference be continued to July 13, 2007 at 2:00 P.M. to accommodate Defendant counsel's vacation schedule.

4. The original complaint was filed by Plaintiff on January 29, 2007;

5. A Motion to Compel Arbitration was filed by Defendant on February 22, 2007, and then was withdrawn on March 29, 2007 prior to hearing.

6. Between April 13, 2007 and May 10, 2007, the parties made a good faith effort to enter into a pre-disclosure Stipulation for Protective Order, but were unsuccessful.

7. On April 9, 2007, Defendant filed a Motion to Dismiss and/or Strike Portions of the Complaint which motion was heard by the Court on June 1, 2007.

8. On June 4, 2007, the Court entered an order on the Motion Dismiss and/or Strike Portions of the Complaint.

9. On June 15, 2007, Plaintiff filed a First Amended Complaint.

10. On June 22, 2007, Defendant substituted new counsel in this case.

11. On July 5, 2007 the court granted a Pro Hac Vice application by attorney David Carmichael, as Plaintiff's Arizona counsel.

12. Defendant filed an Answer and Cross claim on July 2, 2007.

13. On or about June 25, 2007, Plaintiff's counsel and Defendant's newly substituted counsel telephonically met and conferred on the ADR selection process and stipulated to an Early Neutral Evaluation. On June 27, 2007, the Court issued its order referring this case to ENE.

14. Plaintiff's responsive pleading to Defendant's Cross Claim is due to be filed on July 22, 2007.

15. Plaintiff has not yet decided if any motion on the Defendant's pleading will be made as it is still under review.

16. Because Defendant's new counsel was only recently retained, and because the parties have not yet decided whether additional Motions will be filed in response to recently submitted pleadings, the parties have not yet been able to fully ascertain claims and defenses, and therefore have been unable to meaningfully undertake the initial disclosures required by FRCP, Rule 26.

17. The parties, through their respective counsel, are however cooperating in good faith to procedurally advance this case and believe that the efficient administration of justice in this case will be advanced by allowing additional time for the parties to evaluate the pleadings, after which initial disclosures will be made and then reported on to the court.

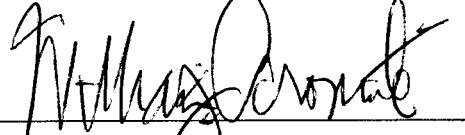
18. The parties agree the requested continuance will also assist the parties in identifying and narrowing disputed and undisputed issues of fact and law, after which both parties shall be able to provide the Court additional information concerning: a) the scope and duration of anticipated discovery; b) whether there is the need for additional motions, and c) an estimate of both the trial date and its duration.

19. Accordingly, the parties jointly request that the Court continue the Case Management Conference to a later date to allow for additional time for the completion of initial disclosures under Rule FRCP 26 when the case is at-issue.

BASED ON THE FOREGOING, PLAINTIFF AND DEFENDANT HEREBY STIPULATE AND REQUEST THAT THE COURT CONTINUE the initial Case Management Conference to 2:00 p.m. on September 7, 2007, or at such other time as the court may direct.

Date: 7/6/07

SCHANZ ACROMITE LLP

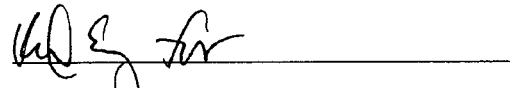


William J. Acromite, Esq.

Attorneys for Plaintiff

Date: July 6, 2007

MARKUN ZUSMAN & COMPTON LLP



Amir Tadjeedin, Esq.

Attorneys for Defendant

ORDER

Having considered the stipulation and request of counsel, and good cause appearing therefor,
IT IS ORDERED that the initial Case Management Conference is hereby continued to 2:00 P.M. on
9/14/07.

Date: _____



Honorable Susan Illston
U.S. District Court Judge